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November 28, 2018

**VIA ECF**

The Honorable Paul A. Engelmayer, U.S.D.J.  
United States District Court for the  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re: Tally Display Corp. v. Samsung SDS America, Inc. *et al.***  
**Civil Action No. 1:18-cv-07445-PAE**

Dear Judge Engelmayer:

We represent defendants Samsung SDS America, Inc. and Starlite Media, LLC (collectively, "Defendants") in the above-referenced action. We write pursuant to the Court's October 30, 2018 Notice of Initial Pretrial Conference (the "Notice") and Rule 1(E) of Your Honor's Individual Rules and Practices to request an adjournment of the December 5, 2018 initial conference, and to adjourn the deadlines to file the joint submissions that are referenced in the Notice. No previous request for an adjournment of these dates has been made. Counsel for plaintiff Tally Display Corp. ("Plaintiff") has consented to this request for an adjournment.

On October 29, 2018, Defendants filed a motion to partially dismiss Plaintiff's Complaint. (*See* ECF No. 20). Consistent with the response deadlines set by the Court (ECF No. 24), Plaintiff filed its First Amended Complaint on November 19, 2018<sup>1</sup>. (*See* ECF No. 25). Defendants believe, however, that Plaintiff's First Amended Complaint fails to correct many of the pleading deficiencies addressed in Defendants' previously-filed motion to dismiss. Accordingly, in advance of the December 10, 2018 deadline for Defendants to file pleadings responsive to the First Amended Complaint, the parties have scheduled a meet-and-confer telephone conference for November 29, 2018 and hope to resolve many of these issues without the need for judicial intervention.

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<sup>1</sup> On the same date, Plaintiff also attempted to file a Second Amended Complaint. (*See* ECF No. 26). That Second Amended Complaint, however, was rejected by the Clerk of the Court because leave to file a Second Amended Complaint was not granted.

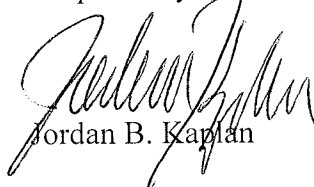


The Honorable Paul A. Engelmayer, U.S.D.J.  
November 28, 2018  
Page 2

In light of the December 10, 2018 deadline to file responsive pleadings and the parties' ongoing attempts to resolve the pleading issues identified by Defendants without the need for judicial intervention, we respectfully request that the Court adjourn the December 5, 2018 initial conference and adjust the deadlines for joint submissions accordingly.

As always, we thank the Court for its time and attention to this matter. Should the Court require anything further from Defendants, please do not hesitate to have Your Honor's chambers reach out to the undersigned directly.

Respectfully submitted,

  
Jordan B. Kaplan

cc: Counsel of Record (*via ECF*)